

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON FISH, WILDLIFE AND PARKS**

**Call to Order:** By **VICE CHAIRMAN JOE BALYEAT**, on April 10, 2001  
at 1:00 P.M., in Room 455 Capitol.

#### **ROLL CALL**

**Members Present:**

Rep. Daniel Fuchs, Chairman (R)  
Rep. Joe Balyeat, Vice Chairman (R)  
Rep. George Golie, Vice Chairman (D)  
Rep. Debby Barrett (R)  
Rep. Paul Clark (D)  
Rep. Ronald Devlin (R)  
Rep. Tom Facey (D)  
Rep. Nancy Fritz (D)  
Rep. Steven Gallus (D)  
Rep. Gail Gutsche (D)  
Rep. Larry Jent (D)  
Rep. Diane Rice (R)  
Rep. Rick Ripley (R)  
Rep. Allen Rome (R)  
Rep. Jim Shockley (R)  
Rep. Donald Steinbeisser (R)  
Rep. Bill Thomas (R)

**Members Excused:** None.

**Members Absent:** Rep. Keith Bales (R)  
Rep. Jeff Laszloffy (R)  
Rep. Brett Tramelli (D)

**Staff Present:** Linda Keim, Committee Secretary  
Doug Sternberg, Legislative Branch

**Please Note:** These are summary minutes. Testimony and  
discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing(s) & Date(s) Posted: HJ 43, 4/9/2001  
Executive Action: HJ 43

**HEARING ON HJ 43**

**Sponsor:** REPRESENTATIVE PAUL CLARK, HD 72, TROUT CREEK

**Proponents:** Jeff Barber, Montana Wildlife Federation  
Bill Orsello, Helena, Self

**Opponents:** John Bloomquist, Montana Stockgrowers  
Jean Johnson, Montana Outfitters and Guides Assn.

**Opening Statement by Sponsor:**

**REP. PAUL CLARK, HD 72, TROUT CREEK** said there had been a lot of discussion about giving landowners licenses and under what conditions the licenses should be given. This is an issue that Private Lands Public Wildlife (PLPW) was selected by the Governor to deal with on a statewide basis. This bill is being offered at the request of the Wildlife Federation to address some of those questions. **This would be the first time that PLPW was getting direction directly from the legislature to do a study for the legislature.** **REP. CLARK** said the PLPW Committee was appointed by Governor Racicot, and he is the House Representative. Typically at the end of the interim, they report to the Governor. This time they have the capacity to offer legislation sponsored by the PLPW. They introduced SB 285, the block management bill during this session. HJ 43 is a request to conduct a study to ascertain the status of hunting license distribution, as well as options for improving the relationships between landowners and sports persons. He referred to page two, lines 13-21 of the bill for information about the study issues which would include 1) the distribution of hunting licenses, including the use of set-asides for landowners, outfitters, and nonresidents. He provided a list of the various kinds of licenses, a complex list of speciality licenses and permits, **EXHIBIT(fih81a01)**. He said it is important to look at what is being offered, why it is being offered, what purpose it serves, and whether it is functional. Licensing is not a business in itself, it should be designed for good wildlife management under the policies provided by the legislature. The list shows where FWP revenue comes from and what licenses bring in the most money. 2) the loss of public access to private land and the loss of access to public land as a result of the closure of private land; 3) the landowner preference system and the use of complimentary licenses; 4) in general, the privatization and commercialization of wildlife that are causing a loss of free public hunting opportunity. He also distributed Amendment HJ004301, **EXHIBIT(fih81a02)**, which would strike sub four and insert the following language: "evaluation of the criteria for selection of enrollees in the hunter management program and the hunting access enhancement program provided for in sections 87-1-

265 through 87-1-267, MCA, and examination of the criteria for determining the effectiveness of those programs".

**Proponents' Testimony:**

**Jeff Barber, Montana Wildlife Federation** said on going issues were the reason this bill came forward at such a late date. He said it is important that someone looks at the issues that surround licenses, and it was decided that PLPW should do it. This is something they should already be doing. MWF feels they have spent too much time managing the block management program and not enough time on the issues listed in the bill, lines 13-21. The WHEREAS clauses were written from the MWF perspective, and everyone may not agree with them. Although he likes them, only the first on page one and the first and second ones on page two are really necessary. This is something PLPW could do already, but this would be a way to define their task and send them a message to move forward.

**Bill Orsello, Helena, self** said this has been an issue for 4-5 years and there has been no resolution. There needs to be strong direction. PLPW has said that without direction, it is too contentious an issue to take up. They talked about an initiative that would cure a lot of the ills that they saw in the current situation, and they backed away from it. This is a complex issue that involves landowners, sportsmen, and outfitters, and they would all like to come out of it with their fair share. If the issue of equal representation where everyone has a voice isn't addressed, we will see an initiative come out that doesn't have the best interests of any of the parties involved.

**Opponents' Testimony:**

**John Bloomquist, Montana Stockgrowers Association** said they find some of the WHEREAS clauses unnecessary, maybe even objectionable in the case of public trust ideas that the legislature doesn't need to get involved in, lines 15-25. He referred to page two, line 15, sub two and said it is misleading and looks at a very narrow issue. There are concerns about loss of access to public land and this should be rephrased. They need to look at the status of public access to private land and the causes of any loss of access to public or private land. He said that loss of access to private land is not always the result of the landowner. There are several areas in the state with large closures of private land as a result of litigation; lawsuits filed by the MWF. He said sub four is a concern. It is hard to define privatization and commercialization of wildlife. It is one thing if commercialization of wildlife means charging someone to enter your property to go hunting or fishing, it is another thing if it

is for outfitting or fishing outfitting. Is fishing outfitting commercialization of wildlife? Need to examine the fee structure of FWP in order to examine that issue. Should FWP charge rates for licenses that are anything above administering the program; if so, is that commercialization of wildlife? Should the non resident elk hunting license fee be \$22. Is that how much it costs to administer that program? Suggests putting parameters on commercialization of wildlife and determine what it is first. If it includes charging more for the privilege of hunting than it costs to administer that privilege, is that commercialization? He said he feels that the bill still needs some work.

**Jean Johnson, Montana Outfitters and Guides Association** and **Montana Land Alliance** said the WHEREAS clauses in HJ 43 are confrontational. In the case of WHEREAS seven: "there is also some concern that outfitters have created a marketplace for hunting leases and hunting rights". What about block management, she asked. Does that create a marketplace for hunting leases? WHEREAS seven does nothing to inspire groups to work well together. She said that all the WHEREAS clauses down to WHEREAS ten are flawed. When equitable distribution of big game licenses, taken in context with earlier legislation and an earlier ballot issue, means you crack open the guaranteed licenses that are reserved for outfitter clients, they have a problem with that. SB 338 that re-upped this program gave the PLPW exactly what this resolution seeks to do, which is to open up areas for discussion that PLPW could address, including, but not limited to landowner hunter relationships. This legislation falls into that category. She suggests that after the legislative session, the three entities get together and develop a list of issues for the PLPW, approach the Governor and **Director Hagener** and ask them to intercede on everyone's behalf. She said she is also speaking for **Paige Dringman of Montana Land Alliance**, in Big Timber, who just heard about this bill this morning, and the points she wanted to make have already been covered by **John Bloomquist**. **Jean Johnson** said this is late in the game and unnecessary and it is pitting one part of a group against another part of a group. There are better ways to achieve what MWF wants to do.

#### Questions from Committee Members and Responses:

**REP. RICE** asked what initiative **Mr. Orsello** had in mind when he testified as a proponent. **Bill Orsello** said there are several ways to address it. Public trust of wildlife is under the common law of the United States in the ownership of the public, and there are no private property rights attached to wildlife. There are private property rights that may be assumed by private landowners that give back control of that wildlife, but legislatively, there are none. For example, Alberta has similar

wildlife laws and a similar history in the development of their wildlife management system. But, Alberta allows no commercial benefit from any member of the public for access to wildlife. While a landowner can control access to this property, they can't charge anything, exchange or barter anything for that privilege. It works very well in Alberta.

**REP. SHOCKLEY** asked if it would be possible to strike all the WHEREAS clauses in the interest of passing this legislation.

**REP. CLARK** said he would not object; it was not his intention that this would be a contentious piece of legislation.

**REP. BALES** said the original PLPW was set up to find the balance and keep a viable outfitting industry. Part of that was the distribution of licenses and the variable price of license fees to create money or funding for the block management program. If you study this allocation what is the final intent, and what effect will that have on that balance that was struck by the original PLPW group, and the ensuing legislation. **REP. CLARK** said there was no intention to go back to square one with the entire block management plan. The current block management plan is good legislation that came out of the resolution process, and he doesn't expect to go through that entire process again. He said he is talking about the peripheral issues that still exist. There are contentious issues that are threatening to the original legislation that has come out of his and **SEN. COLE's** bills. They are still in process, they have had the block management program, guaranteed outfitter licenses, yet the process is still evolving. It would behoove us to keep track of this evolution, and make sure all parties have equal say.

**REP. BALES** said if you are evaluating the licenses, the way block management gets funding, the reason it has is because of the distribution of hunting licenses and the set asides for the outfitters. The perception is that is a very sore subject. It appears that by evaluating it, your opponent can turn the entire system upside down and maybe kill the block management program.

**REP. CLARK** said if we ignore it, it won't go away, it will become a more contentious issue. He said he is concerned about preserving what we have and making progress into the future deliberate and better. **REP. BALES** asked if he is saying that the charge of the original PLPW, which was to find an equitable way to insure the viability of the outfitting industry, was not the proper charge. **REP. CLARK** said no, that isn't; keeping the peace is the proper charge. It is the intention of this bill to continue that process. That is why his amendment talks about department responsibility, holding the department accountable for making good decisions. That is part of helping the process get better. **REP. BALES** said if we are going to go forward with this,

we need to amend in the original charge of the PLPW that was to insure there remains the balance that was asked for and put in place. He said he does not see that in the bill. **REP. CLARK** said that is why we would just go with what we want to accomplish in the bill, that we examine the license structure, examine the distribution of licenses, examine how money is spent in the block management program and do it pro-actively and not ignore developing contentious issues.

**REP. FACEY** referred to page two, line 17, and suggested a change to "the status of public access to private and public lands and the causes of losses of access to private lands". Would that be agreeable to you? **Jeff Barber** replied yes. **REP. FACEY** referred to line 20: he proposed to strike "free" and it would read "causing a loss of public hunting opportunity". **Jeff Barber** said he would like to keep "free" in the language.

**REP. FACEY** asked the same question of **John Bloomquist**, who replied the suggested changes to sub two are good. He would change the last part and add public land. Sub four was loss of free hunting opportunity, and it is okay.

**REP. DEVLIN** said this committee has passed two bills that dealt with complimentary licenses. Both of these bills have passed the House. If this resolution passes, would it be your intention to withdraw support from those two bills in order to study this for two more years? **REP. CLARK** said his bill is done, except for the amendments. **SEN. COLE's** bill has gone to a conference committee, and the House will be getting a conference committee report. They reinserted a section in his bill that was deleted in FWP committee. We are not done with contentious issues on that bill, and that is another reason he supports this. He said he will vote against the conference committee report, and last time he voted for the bill that passed the House. He would continue to vote yes for the bill that passed the House. **REP. DEVLIN** asked if this is a substitute to **SEN. COLE'S** bill. **REP. CLARK** said no.

**Closing by Sponsor:**

**REP. CLARK** said that the questions and the emotions that come up around this issue prove his point. He said to keep in mind that PLPW is a non-partisan group. They do not deal with issues in a partisan fashion, they deal in terms of the stakes that are held by all who are involved. There was nothing in 1995 legislation that dealt with equitable distribution of licenses, but it is an issue that won't go away because we say it was something that was considered. What they considered then was the cut-throat attitude between outfitters and sportsmen, with landowners caught in the middle about the disposition of public wildlife; how and where

wildlife could be hunted, and under what situations lands could be leased for private hunting interests. They came up with the block management program to try and resolve those issues. The PLPW is in a unique position to continue the discussion. All the study will do is allow some of these sentiments to come up and get aired, so we can deal with them and find some resolution around them in a productive way. He said he agreed with some of Mr. Bloomquist's statements, and would be happy to take it out of the bill. He would like the bill to come out as neutral as possible. The last thing he wants to see is what they had a few years ago to eliminate the guaranteed outfitter hunting license, because if things get bad enough, an initiative like that will pass. One of the things he likes is recognition from the legislature that PLPW deserves our respect and recognition and is willing to give them an important assignment to verify that.

**EXECUTIVE ACTION ON HJ 43**

**Motion:** REP. SHOCKLEY moved that HJ 43 BE CONCURRED IN.

**Motion:** REP. SHOCKLEY moved that SHOCKLEY'S CONCEPTUAL AMENDMENT TO HJ 43 BE ADOPTED.

REP. SHOCKLEY said his conceptual amendment was to strike all WHEREAS clauses.

**Substitute Motion:** REP. GALLUS made a substitute motion that GALLUS' CONCEPTUAL AMENDMENT TO HJ 43 BE ADOPTED.

REP. GALLUS said his substitute conceptual amendment would be to adopt REP. SHOCKLEY's amendment and also change line 17 on page two: (2) "the loss of public access to private and public land".

VICE CHAIRMAN BALYEAT suggested that the committee deal first with the WHEREAS clauses, because there will be alternative suggestions on line 17 wording and there can only be two motions going at once. REP. GALLUS withdrew his substitute motion.

**Substitute Motion:** VICE CHAIRMAN BALYEAT made a substitute motion that BALYEAT'S CONCEPTUAL AMENDMENT TO HJ 43 BE ADOPTED.

VICE CHAIRMAN BALYEAT explained that his substitute conceptual amendment would strike all the WHEREAS clauses except the ninth one that begins on page one, line 29 and ends on page two.

**Motion/Vote:** REP. SHOCKLEY moved that BALYEAT'S CONCEPTUAL AMENDMENT TO HJ 43 BE ADOPTED. Motion carried unanimously.

**Motion:** **REP. CLARK** moved that **AMENDMENT HJ004301 TO HJ 43 BE ADOPTED.**

**Legislative Staffer Doug Sternberg** explained Amendment HJ004301 which changes the wording on page two, line 15 and line 20.

**REP. BALES** asked about the language which references "criteria". What are the criteria for determining the effectiveness of those programs? **REP. CLARK** said they use a message box left at the block management and to take a survey of the hunters, their success, their satisfaction with the hunt, and the satisfaction of the co-operators who are involved in the program. There is nothing specific as to how they evaluate the program and how it is working. **REP. BALES** said that is his point. A lot of programs don't just have a drop box, they have someone totally managing everything. Are you saying that you want to change the way block management is controlled? **REP. CLARK** said he just wants PLPW to look at what our criteria are for saying we have a good program. Otherwise they ask questions and cannot get solid answers, because there is no criteria in place for evaluation of the program. He said he is suggesting we are giving these folks a big chunk of money and we need to have accountability. This is a study which says they will look at this. If it is working, they will change nothing. If it is not working, or it is weak, or it needs some help, they will recommend changes to the next legislature. PLPW can do nothing by itself, all it can do is take direction. **REP. BALES** said the criteria for determining the effectiveness of the program has nothing to do with the data collected on how many people are being served and what for. The criteria for evaluating the program should ask if it is cost effective. That is totally different from what you are talking about. What you just said is that there is no criteria out there. Are you saying the PLPW should develop criteria for evaluating how block management is doing. If that is your intention, that is not what was said. **REP. CLARK** said he thought it was clear. His understanding is that there is some criteria but it is fairly non objective. The information they got from PLPW in their report looks at the feedback forms that come from hunters who have used block management. If most of the forms say they had a good experience, 51%, then the program is doing okay. Maybe there are other criteria that has yet to be introduced into the system that will give more objective results. If so, they will make that recommendation. He said he does not see a problem with the language.

**REP. FACEY** said he would like to segregate Amendment one and two from Amendment three of HJ004301.

**{Tape : 1; Side : B}**



**Motion/Vote:** REP. GALLUS moved that **SEGREGATED AMENDMENTS 1 AND 2 OF HJ004301 BE ADOPTED. Motion carried unanimously.**

**REP. BARRETT** said we don't need Amendment 3. We just had an audit about this program from fiscal services and this program is successful.

**REP. CLARK** said we need to make a determination because if you have 500 people that want to get into block management and 200 slots, how will you choose who gets in and who doesn't. Unless everyone can get in, there is a problem. The criteria we are looking at is, what areas are most desirable, what do those areas look like, and how to set up an ability to make a choice. If it is done first come, first serve, it may not be fair to the general public. Some may want to join up with block management that have 10 antelope on their 2,000 acres once every two years. Someone else might want to join up that has good mule deer habitat and resident animals all the time. We have to establish some criteria for selection.

**REP. BARRETT** said we already have that, and it is where you have these wildlife populations that will sustain another opening in block management. If somebody has 10 antelope, they will probably say you don't need it. If somebody has 400 head of elk, that is where you would open your next one. The department has that information, and the department can make that determination.

**REP. FACEY** said Amendment three is needed so PLPW can look at the resolution and see what they are being asked to study. They might look at number three, spend 45 minutes on it, see that it worked well, and be on with the issue. They should be given the authority to look at it, but the time they spend on it might be less than an hour.

**REP. GOLIE** referred to the end of the amendment, "determining the effectiveness of those programs". He said he thinks it is a good idea because a lot of hunters aren't satisfied with the block management program. They should be included in this evaluation of the criteria as well, and it would be a good idea to have that language included.

**REP. GALLUS** said he agreed because he knows a lot of landowners that aren't happy.

**REP. FACEY** asked if the only criteria is what is left in that box. Is there some existing criteria? This resolution may not be big enough to make the criteria, and if there is no existing criteria, we should have some. **REP. CLARK** said the reason that line is there is because he was dissatisfied with the information

they got because it sounded very subjective. It is like statistics; how you use the statistics can be determined by your point of view. He cannot tell you with solid evidence and justification whether this is a great program, a mediocre one, or a weak one. He thinks it is a great program, but the criteria is weak. If he is going to be in the position of justifying the program and asking for money for it, he wants to back it up.

**Legislative Staffer Doug Sternberg** spoke on the criteria. He read from 87-1-269, subsection 2 which addressed some of the determinations that this committee considers regarding the success: "The review committee shall report to the Governor of the 57<sup>th</sup> Legislature regarding the success of various elements of the hunting access enhancement program, including a report of annual landowner participation, the number of acres annually enrolled in the program, hunter harvest success on enrolled lands, the number of qualified applicants who were denied enrollment because of a shortfall in funding, and an accounting of program expenditures". It goes on to make suggestions for funding modification and improvement. Statutorily, those are the criteria we have charged that committee with in determining what constitutes success.

**REP. BARRETT** said she would address concerns about hunters and private property owners being unhappy with the program. It is voluntary, she said. They don't have to participate.

**REP. GALLUS** said what he is getting at is that you could have a large ranch with that landowner enrolled in the program, and his neighbors thought that was a great idea. They approached the department but were told no, they already have 10,000 acres and there is no more need. Those are the landowners that are unhappy with this. In that case, it is not voluntary, they felt left out in the cold, and he is looking out for their interests as well.

**REP. GOLIE** said after the block management bill passes, all hunters will have an interest in block management whether they hunt there or not, so it is apparent that we need it.

**REP. FUCHS** said he would vote against the amendment because this is a moving target. If you want, they can bring legislation and tighten it up and narrow it down. Studying it is not going to accomplish what you want to do, and next session there will be a new part of the equation; wolves are going to come into play. This is evolving, every session brings new bills that change what you would be wanting to study. This won't accomplish what you want to do.

**Doug Sternberg** clarified that amendment three strikes language in subsection 4 and adds language, so the effect of voting down this amendment would be to leave subsection 4 in the bill.

**Motion/Vote:** REP. GUTSCHE moved that **SEGREGATED AMENDMENT 3 TO HJ004301 BE ADOPTED. Motion carried 10-9 with Bales, Balyeat, Barrett, Devlin, Fuchs, Rice, Ripley, Thomas and Steinbeisser voting no.**

**Motion:** REP. GALLUS moved that **CONCEPTUAL AMENDMENT TO HJ 43 BE ADOPTED.**

REP. GALLUS referred to page two, line 17 which would be changed to: (2) "the loss of public access to private and public land".

**Substitute Motion:** REP. BALYEAT made a substitute motion that **CHANGE TO CONCEPTUAL AMENDMENT TO HJ 43 BE ADOPTED AS AMENDED.**

REP. BALYEAT suggested that the wording on line 17 would be: "the status of public access to private and public land and the causes of any loss of access;".

REP. GALLUS said he opposes this substitute amendment because no one from the stockmen's association or the wildlife federation disagreed that there had been a loss. The disagreement comes from what was the cause of that loss, and that is why he wanted to strike "as a result of the closure of private land". That is saying, let's study this even though we know who is to blame, and he doesn't agree with that. Everyone is in agreement that there has been a loss, so "status" is good.

REP. CLARK said we have no solid data to determine loss, so "status" is a preliminary step to find out what is going on and then report back.

REP. BALES said he went through a contentious road closure and it was said that because the access point was moved back three miles, that he had closed access to public land. The access was not closed to public land, it was moved back three miles. But it was argued that he had closed access to this public land. His question is, if that is the criteria of moving the access point back three miles, how much access has been denied by the forest service in their road closure policy. How many hundreds of thousands of acres have been closed? If we go forward with this, that is an issue that should be fully addressed. His contention is that by the forest service closing both roads, they have limited access to the forest which has caused an influx of people onto private lands in eastern Montana. The forest service has caused as much of this problem as anyone because those hunters

that used to drive up into the forest and go hunting have suddenly been locked out of their favorite area and are not willing to go that 2-3 miles to get to where they used to start walking. They will look for hunting access in other places.

**REP. BALLYEAT** said the proposed language is broad enough to encompass all those concerns.

**REP. SHOCKLEY** said he agrees with **REP. BALES**, and the proposed language is good.

**Substitute Motion/Vote:** **REP. BALLYEAT** made a substitute motion that **CHANGE TO CONCEPTUAL AMENDMENT TO HJ 43 BE ADOPTED AS AMENDED**. Substitute motion carried 16-3 with Barrett, Devlin, and Gallus voting no.

**Motion:** **REP. BALES** moved that **BALES' CHANGE TO CONCEPTUAL AMENDMENT BE ADOPTED**.

**REP. BALES** said his amendment on line 17 would be: "through and across public lands". **REP. BALLYEAT** said it would be difficult to do that because then you are excluding access to private lands. **REP. BALES** said the amendment was just "access to", and if that is followed strictly, much of this forest service land has access to it, but the access through or across the public land is what is limiting the access. The amendment needs to be there to clarify what they should be looking at. **REP. BALLYEAT** suggested adding: "and across". It would say: "the status of public access to and across private and public lands". **REP. BALES** suggested: "the status of access to private lands and to and across public lands". **REP. GALLUS** objected and said "we are wordsmithing now".

**Motion:** **REP. BALES** moved that **BALES' MOST RECENT CHANGE to his CONCEPTUAL AMENDMENT BE ADOPTED**.

**REP. BALES** said this is not wordsmithing. There is a definite difference between access to something and having to walk for ten miles, when there is access to it and through it for five of those miles. If you say just access to, you have limited the discussion away from this road closing in the forest service that has limited the access. It must be in there in order to cover that issue.

**REP. THOMAS** said he would support that. This committee all knows what we are talking about, but years down the road, this same group won't be here and we need this reminder to let us know about this public road closure.

**REP. GUTSCHE** asked why "to and through on private lands" is not important. **REP. BALES** said if you have access onto private lands, you have access completely around, through it, and everything else. The access through private land is addressed in the access to public land, if you are thinking access through private lands to public lands.

**REP. GALLUS** said it is generally widely accepted that access to public land means access to use it, to utilize it, to be able to get there and do whatever. It is wordsmithing when you say you have access to public land, you have access to use it. There may be road restrictions, how far off the road you can drive, etc. but still have access to.

**REP. CLARK** said this is an important issue, but this may be more than PLPW can handle. They may introduce some legislation, they may talk about criteria for improving the evaluation process. But they are not going to solve any issues with the federal government in PLPW.

**REP. BALES** said he would encourage everyone to vote for this.

**REP. SHOCKLEY** said he supports **REP. BALES**.

**Legislative Staffer Doug Sternberg** clarified the motion, line 17 with the amendment would read: "the status of public access to private land and to and across public land and...."

**Motion/Vote:** **REP. BALES** moved that **BALES' CONCEPTUAL AMENDMENT BE ADOPTED AS AMENDED**. Motion carried 15-4 with Gallus, Golie, Gutsche, and Tramelli voting no.

**Substitute Motion/Vote:** **REP. RIPLEY** made a substitute motion that **HJ 43 BE TABLED**. Substitute motion failed 8-11 with Bales, Barrett, Devlin, Fuchs, Ripley, Rice, Steinbeisser and Thomas voting aye.

**REP. GALLUS** called for the question on the bill. **VICE CHAIRMAN BALYEAT** said that without objection, the vote will just be reversed.

**Substitute Motion/Vote:** **REP. GOLIE** made a substitute motion that **HJ 43 AS AMENDED DO PASS AS AMENDED**. Substitute motion carried 11-8 with Barrett, Bales, Devlin, Fuchs, Ripley, Rice, and Steinbeisser voting no.

**ADJOURNMENT**

Adjournment: 2:30 P.M.

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REP. DANIEL FUCHS, Chairman

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LINDA KEIM, Secretary

DF/LK

**EXHIBIT**(fih81aad)